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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
1400-25 (869/870)

First named inventor: Bradley S. Carlson

Application No.: 09/843,946

Art Unit: 2876

Filed: 4/30/01

Examiner: Lisa M. Caputo

Title: Imager Integrated CMOS Circuit Chip Associated  
Optical Code Reading Systems

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Election/Restriction Requirement (identify type of reply):

- ☒ has been filed previously on 8/12/04.  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/30/2005 MAHHE1 00000040 09843946

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01 FC:1453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
Signature

March 23, 2005  
\_\_\_\_\_  
Date

George Likourezos  
\_\_\_\_\_  
Typed or printed name

40,067  
\_\_\_\_\_  
Registration Number, if applicable

Carter, DeLuca, Farrell & Schmidt, LLP.  
\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

(631) 501-5700  
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address  
445 Broad Hollow Road Suite 225 Melville, New York 11747  
\_\_\_\_\_  
Address

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Postcard; Notice of Abandonment; Examiner-Initiated Interview Summary

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

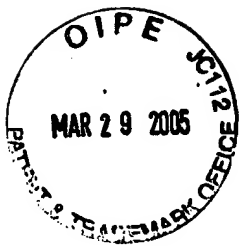
☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

March 23, 2005  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

George Likourezos  
\_\_\_\_\_  
Typed or printed name of person signing certificate



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |  |                          |
|-------------|--|--------------------------|
| Applicants: | Carlson et al.   | Examiner: Lisa M. Caputo |
| Serial No.: | 09/843,946   | Group: Art Unit 2876     |
| Filed:      | April 30, 2001   | Docket: No: 1400-25      |
| For:        | IMAGER INTEGRATED CMOS CIRCUIT CHIP ASSOCIATED<br>OPTICAL CODE READING SYSTEMS |                          |

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENTS ESTABLISHING UNINTENTIONAL DELAY**

Sir:

The statements as reported by Examiner Caputo in PTO Form PTOL-413B (04-03) (Examiner-Initiated Interview Summary) and in PTO Form PTOL-1432 (Rev. 04-01) (Notice of Abandonment) are an accurate representation of the facts which led to the abandonment of the present application.

These facts clearly show that the Applicants responded to the Election/Restriction Requirement mailed by the Examiner on July 13, 2004 but incorrectly identified the Application Serial Number in the response papers. Accordingly, it is Applicants' belief that the response was not matched with the file when it was received by U.S. Patent and Trademark Office.

Applicants disagree with the Examiner's statement that "a timely reply was not filed." As indicated by the present facts and supporting documentation filed herewith, the Applicants did timely file a reply. Applicants therefore respectfully request the Commissioner to

grant Applicants' petition. Applicants also respectfully request the Commissioner to refund the petition fee or a portion thereof since the Applicants timely filed a response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'George Likourezos', written over the printed name.

George Likourezos

Reg. No. 40,067

Attorney for Applicants

Carter, DeLuca, Farrell & Schmidt LLP  
445 Broad Hollow Road  
Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700  
Fax: (631) 501-3526



PATENT  
Atty. Docket: 1400-25 (869/870)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : BRADLEY ET AL. Examiner: Lisa M. Caputo  
Serial No. : 09/834,946 843,944 Group Art Unit: 2876  
Filed : April 30, 2001  
For : IMAGER INTEGRATED CMOS CIRCUIT CHIP AND  
ASSOCIATED OPTICAL CODE READING SYSTEMS

Mail Stop Amendment  
P.O. Box 1450  
Commissioner for Patents  
Alexandria, VA 22313-1450

**RESPONSE TO THE ELECTION/RESTRICTION REQUIREMENT**

Madam:

In response to the Office Action of the U.S. Patent and Trademark Office mailed on July 13, 2004 requiring restriction to one of two inventions under 35 U.S.C. §121, please consider the following:

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this Amendment and any document referred to as enclosed herein is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to Mail Stop Amendment, P.O. Box 1450, Commissioner for Patents, Alexandria, VA 22313-1450.

Dated: August 12, 2004

Adrienne Fagan  
(Name of Person Mailing Envelope)

Adrienne Fagan  
(Signature of Person Mailing Envelope)

### REMARKS

This application has been reviewed in light of the Office Action mailed on July 13, 2004. In the Office Action, the Examiner requires Applicant to restrict the application to one of the following two distinct inventions under 35 U.S.C. Sec. 121:

- I. Claims 1-9 and 15-18, drawn to a monolithic circuit chip for use in an imaging optical code reading device having a radio frequency communication capability which comprises a complementary metal oxide semiconductor (CMOS) imager, CMOS microprocessing circuits, and a memory for providing non-volatile data storage, as well as a method for using the monolithic circuit chip, classified in class 235, subclass 462.13.
- II. Claims 10-14, drawn to a monolithic circuit chip that comprises a sensor array, a digitizer, and a decoder, classified in class 235, subclass 462.27.

Applicant elects without traverse to restrict the application to the claims of Group I, namely, Claims 1-9 and 15-18, for prosecution on the merits.

Applicant maintains the right to prosecute the subject matter of Claims 10-14 in one or more separate applications.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at (631) 501-5706.

Respectfully submitted,



George Likourezos

Reg. No. 40,067

Attorney for Applicants

**Send Correspondence To:**

Carter, DeLuca, Farrell & Schmidt, LLP

George Likourezos, Esq.

445 Broad Hollow Road

Melville, New York 11747

631-501-5706

FAX: 631-501-3526



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BRADLEY et al. Examiner: Lisa M. Caputo  
Serial No. : 09/834,946 843, 946 Group Art Unit: 2876  
Filed : April 30, 2001 Dated: August 12, 2004  
For : IMAGER INTEGRATED CMOS CIRCUIT CHIP AND  
ASSOCIATED OPTICAL CODE READING SYSTEMS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

AMENDMENT TRANSMITTAL FORM

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. § 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity under 37 C.F.R. § 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

The fee has been calculated as shown below:

|  | (Col. 1)                                  |       | (Col. 2)                              | (Col. 3)         | SMALL ENTITY |               | OTHER THAN<br>SMALL ENTITY |          |               |
|--|---|-------|---------------------------------------|------------------|--------------|---------------|----------------------------|----------|---------------|
|  | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE         | ADDIT.<br>FEE | OR                         | RATE     | ADDIT.<br>FEE |
| TOTAL  | 18  | MINUS | 20                                    | =                | X 9          | \$            |                            | X 18     | \$ 0          |
| INDEP.   | 3   | MINUS | 3                                     | =                | X 42         | \$            |                            | X 84     | \$ 0          |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |       |                                       |                  | X 140        | \$            |                            | X 280    | \$ 0          |
|  | TOTAL                                     |       |                                       |                  |              |               |                            | OR TOTAL | \$ 0          |
|  | ADDIT. FEE                                |       |                                       |                  |              | \$ 0          |                            |          |               |

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Amendment and any document referred to as enclosed herein is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 12, 2004

Adrienne Fagan  
(Name of Person Mailing Envelope)

*Adrienne Fagan*  
(Signature of Person Mailing Envelope)



- ☐ Please charge Deposit Account No. 50-2140 in the amount of \$\_\_\_\_. Two (2) copies of this sheet are enclosed.
- ☐ A check in the amount of \$ is enclosed.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

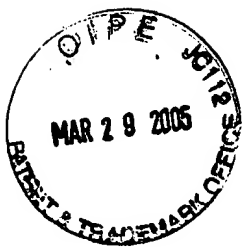


George Likourezos  
Reg. No. 40,067  
Attorney for Applicant(s)

**Carter, DeLuca, Farrell & Schmidt, LLP**

445 Broad Hollow Road  
Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700  
Fax: (631) 501-3526

GL/af



PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Amendment Transmittal in duplicate
2. Response to the Election/Restriction Requirement
3. Certificate of Mailing

Applicant:  
Serial No.:  
Filed:  
Docket:  
For:  
Dated:  
GL/af

Bradley et al.  
09/843,946  
April 30, 2001  
1400-25  
IMAGER INTEGRATED CMOS CIRCUIT CHIP AND  
ASSOCIATED OPTICAL CODE READING SYSTEMS  
August 12, 2004

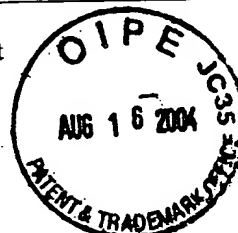
*Serial No. changed  
to reflect correct  
Serial No. After  
Notice of  
Abandonment  
was received  
by  
P.T.  
3/23/05*

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Amendment Transmittal in duplicate
2. Response to the Election/Restriction Requirement
3. Certificate of Mailing

Applicant:  
Serial No.:  
Filed:  
Docket:  
For:  
Dated:  
GL/af

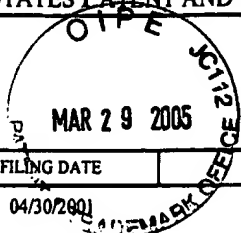
Bradley et al.  
09/843,946  
April 30, 2001  
1400-25  
IMAGER INTEGRATED CMOS CIRCUIT CHIP AND  
ASSOCIATED OPTICAL CODE READING SYSTEMS  
August 12, 2004





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
www.uspto.gov



| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/843,946

04/30/2001

Bradley S. Carlson

032230-032

8631

7590

02/01/2005

Samuel C. Miller  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

CAPUTO, LISA M

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**



Application No.

09/843,946

Examiner

Lisa M Caputo

Applicant(s)

CARLSON ET AL.

Art Unit


2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:


1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 July 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: Examiner Lisa Caputo contacted attorney of record Samuel Miller (Reg. No. 27,360) of Burns, Doane, Swecker and Mathis on January 18, 2005 to check the status of the case since a reply was overdue. Mr. Miller put the examiner in contact with Aaron Bernstein (Reg. No. 36,745), the Director of IP at Symbol Technology who was going to check on the status of the case. On January 19, 2005, the examiner received a call from George Likourezos (Reg. No. 40,067) regarding the case 09/834,946. Upon returning the call, the examiner pointed out that the case in question was 09/843,946. Mr. Likourezos indicated that a reply had been filed in error to the case 09/834,946, not the correct case 09/843,946. Mr. Likourezos faxed the examiner a copy of the reply, with the incorrect number crossed out and the correct number written beside it on January 19, 2005. After consultation with the supervisor, Mr. Michael Lee, the case has abandoned status since a timely reply was not filed. Examiner alerted attorney that the case is abandoned and that a petition would be necessary to revive the case. See also attached interview summary.

|   |                               |                                |  |
|---|-------------------------------|--------------------------------|--|
| <b>Examiner-Initiated Interview Summary</b><br> | Application No.<br>09/843,946 | Applicant(s)<br>CARLSON ET AL. |  |
|   | Examiner<br>Lisa M Caputo     | Art Unit<br>2876               |  |

**All Participants:**

(1) Lisa M Caputo.

(2) George Likourezos (Reg. No. 40,067).

**Date of Interview:** 19 January 2005

**Type of Interview:**  
☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)  
**Exhibit Shown or Demonstrated:** ☐ Yes ☐ No  
 If Yes, provide a brief description:

**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 1 pm

**Part I.**

Rejection(s) discussed:  
n/a

Claims discussed:  
n/a

Prior art documents discussed:  
n/a


**Part II.**


**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**  
*See Continuation Sheet*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
**MICHAEL G. LEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**

  
 (Examiner/SPE Signature)

\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner Lisa Caputo contacted attorney of record Samuel Miller (Reg. No. 27,360) of Burns, Doane, Swecker and Mathis on January 18, 2005 to check the status of the case since a reply was overdue. Mr. Miller put the examiner in contact with Aaron Bernstein (Reg. No. 36,745), the Director of IP at Symbol Technology who was going to check on the status of the case. On January 19, 2005, the examiner received a call from George Likourezos (Reg. No. 40,067) regarding the case 09/834,946. Upon returning the call, the examiner pointed out that the case in question was 09/843,946. Mr. Likourezos indicated that a reply had been filed in error to the case 09/834,946, not the correct case 09/843,946. Mr. Likourezos faxed the examiner a copy of the reply, with the incorrect number crossed out and the correct number written beside it on January 19, 2005. After consultation with the supervisor, Mr. Michael Lee, the case has abandoned status since a timely reply was not filed. Examiner alerted attorney that the case is abandoned and that a petition would be necessary to revive the case. .